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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/736,084

12/15/2003

Joseph C. Walsh

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

KRISHNAN, GANAPATHY

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Application No. 10/736,084-Advisory Action-Box 11: Attachment

Box 7/Box 11: Applicants have traversed the rejection under 35 USC 103(a) maintained in the Final Action arguing that:

The Examiner has not provided any evidence to show that the preparation of the instantly claimed compounds by ring opening reaction of 2,3'-anhydrothymidine is just the extension of the same chemistry as the opening of 2,5'-anhydrothymidine. There is no evidence presented for the statement that the 5'-position has to be protected before ring opening of the anhydrothymidine since the alkoxide ion, if used as a base, will abstract the hydrogen of the OH at the 5'-position if left unprotected. In Fox a 7- and an 8-membered ring are formed whereas in the instant case a 6- and 7-membered ring are formed. The stability of Fox's derivatives and in turn their reactivities in a certain reaction will be different from that of the instant invention. According to Applicants there is no suggestion or motivation in the prior art to arrive at the claimed invention.

Applicants' arguments are not found to be persuasive.

From Fox's teaching of the use of 2,5'-anhydrothymidine (compound 4) to make compound 8, which (compound 8) is similar to the instantly claimed compounds except that the 5'-hydroxyl is not protected, will be recognized by one of ordinary skill in the art and will use the same type of reaction to make anhydrothymidine by linking the enolate oxygen from the pyrimidine moiety to the 3'-postion of the sugar ring. This is just an extension of the same chemistry with just the anhydro link being made to a different position. Fox teaches such a linking reaction with 5'-protection in his scheme (page 936, Fig. 1; conversion of compound I to III). Regarding the protection of the 5'-position before reaction with an alkoxide, the said chemistry is a fundamental reaction in organic

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chemistry that is also well known to one of ordinary skill in the art. Miller's compound III is the same as the product obtained in the instant process after step (a). Compound II is also ring opened to give compound IV. This shows that the said ring system can be formed, is stable and can be used in a ring opening reaction. The instant invention is rendered obvious by the prior art of record.

/Ganapathy Krishnan/

Examiner, Art Unit 1623

/Shaojia Anna Jiang/

Supervisory Patent Examiner, Art Unit 1623